

ESTTA Tracking number: **ESTTA570522**

Filing date: **11/12/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	HomeAway.com, Inc
Granted to Date of previous extension	11/09/2013
Address	1011 W. Fifth Street, Suite 300 Austin, TX 78703 UNITED STATES
Attorney information	Scott S. Kokka KOKKA & BACKUS, PC 703 High Street Palo Alto, CA 94301 UNITED STATES skokka@kokkalaw.com, docketing@kokkalaw.com, kcleland@kokkalaw.com, ebrodskaya@kokkalaw.com Phone:650-566-9912

Applicant Information

Application No	85929798	Publication date	09/10/2013
Opposition Filing Date	11/12/2013	Opposition Period Ends	11/09/2013
Applicant	Issa Hotels and Resorts Limited Fairview Office Park, Suite C12 Montego Bay, St. James, JMX JMX		


Goods/Services Affected by Opposition

Class 036. First Use: 2009/04/30 First Use In Commerce: 2009/04/30 All goods and services in the class are opposed, namely: Electronic commerce payment services, namely, providing a payment plan for customers to allow payments to be made over time by establishing funded accounts used to purchase travel related services
Class 043. First Use: 2009/04/30 First Use In Commerce: 2009/04/30 All goods and services in the class are opposed, namely: travel agency services, namely, making reservations and bookings for temporary lodging in connection with a deferred payment program

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3596177	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/09/10 First Use In Commerce: 2008/09/10 Providing temporary lodging information via the Internet		

U.S. Registration No.	4101348	Application Date	03/09/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers		

U.S. Registration No.	4101347	Application Date	03/08/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		

Design Mark	<h1>HomeAway.com</h1>
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacationreal estate; Providing real estate listing services via a global computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estatelisting services for housing rentals and apartment rentals; Residential real estate agency services

U.S. Registration No.	4101346	Application Date	03/08/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark	<h1>HOMEAWAY.COM</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estatemarketing services in the field of temporary accommodations		


U.S. Registration No.	4104447	Application Date	03/08/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services		

U.S. Registration No.	4104448	Application Date	03/09/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental		


U.S. Registration No.	4104453	Application Date	03/09/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01</p> <p>Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information</p>		

U.S. Registration No.	3552504	Application Date	12/14/2006
Registration Date	12/30/2008	Foreign Priority Date	06/16/2006
Word Mark	HOMESAWAY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 039. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations</p> <p>Class 043. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants</p>

U.S. Registration No.	3566394	Application Date	12/14/2006
Registration Date	01/27/2009	Foreign Priority Date	06/16/2006
Word Mark	HOMES AWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 039. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations</p> <p>Class 043. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants</p>		


U.S. Registration No.	3596174	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority	NONE

		Date	
Word Mark	HOMEAWAY FROM HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/01/14 First Use In Commerce: 2008/01/14 Providing temporary lodging information via the Internet		

U.S. Registration No.	1152761	Application Date	07/02/1979
Registration Date	04/28/1981	Foreign Priority Date	NONE
Word Mark	HOME AWAY FROM HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1961/12/00 First Use In Commerce: 1961/12/00 Rental of Temporary and Permanent Living Quarters to Others		

U.S. Registration No.	4218667	Application Date	02/07/2011
Registration Date	10/02/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY SOFTWARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2011/01/10 First Use In Commerce: 2011/03/01 Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to		


	access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management
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U.S. Registration No.	4136610	Application Date	02/07/2011
Registration Date	05/01/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY SOFTWARE FOR PROFESSIONALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/01/26 First Use In Commerce: 2011/01/26 Computer software for use in database creation and management of a vacation rental website; Computer software for application and database integration; Computer software for application and database design; Computer software for creating searchable databases of information and data; Downloadable software for use in database management on a vacation rental website; Computer software and software tools for website development		


U.S. Registration No.	4129635	Application Date	02/07/2011
Registration Date	04/17/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY SOFTWARE FOR PROFESSIONALS		
Design Mark			
Description of Mark	NONE		


Goods/Services	Class 042. First use: First Use: 2011/01/26 First Use In Commerce: 2011/01/26 Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management
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U.S. Registration No.	3596176	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY TRAVELER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/02/28 First Use In Commerce: 2008/02/28 Providing on-line newsletters featuring lodging and travel information and reviews of lodging and travel providers		

U.S. Registration No.	4048345	Application Date	02/28/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 043. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers
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U.S. Registration No.	4093259	Application Date	02/25/2011
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services		

U.S. Registration No.	4048331	Application Date	02/25/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 035. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estatemarketing services in the field of temporary accommodations

U.S. Registration No.	4019582	Application Date	02/28/2011
Registration Date	08/30/2011	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Coordinating travel arrangements for individuals and for groups; Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services		

U.S. Registration No.	4093260	Application Date	02/28/2011
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		

Design Mark	<p>WHY HOTEL WHEN YOU CAN HOMEAWAY</p>
Description of Mark	NONE
Goods/Services	<p>Class 042. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information</p>


U.S. Registration No.	3596173	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a birdhouse followed by the words "HomeAway".		
Goods/Services	<p>Class 043. First use: First Use: 2008/09/10 First Use In Commerce: 2008/09/10 Providing temporary lodging information via the Internet</p>		


U.S. Registration	3488230	Application Date	01/18/2008
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No.			
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	HOMEAWAY CONNECT		
Design Mark			
Description of Mark	The mark consists of the words "HomeAway Connect" with a small bird imposed on the letter "o" in the word "Connect".		
Goods/Services	Class 043. First use: First Use: 2007/01/22 First Use In Commerce: 2007/01/22 Providing temporary lodging information via the Internet		


U.S. Registration No.	3596175	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY FROM HOME		
Design Mark			
Description of Mark	The mark consists of a birdhouse followed by the words "HomeAway from home".		
Goods/Services	Class 043. First use: First Use: 2008/01/04 First Use In Commerce: 2008/01/04 Providing temporary lodging information via the Internet		


U.S. Registration No.	3385395	Application Date	12/06/2005
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	HOMEAWAY LIVE THE DESTINATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2006/01/31 First Use In Commerce: 2006/01/31		


	Providing temporary lodging information via the internet		
U.S. Registration No.	4044354	Application Date	02/28/2011
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.		
Goods/Services	Class 043. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers		


U.S. Registration No.	4041089	Application Date	02/11/2011
Registration Date	10/18/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.		
Goods/Services	Class 036. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Vacation real estate listing services and providing such services via a global computer network; providing an on-line database of rental properties, namely, real estate listing services		

U.S. Registration No.	4048332	Application Date	02/25/2011
Registration Date	11/01/2011	Foreign Priority	NONE

		Date	
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a picture of the sun rising behind the home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.		
Goods/Services	Class 035. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estatemarketing services in the field of temporary accommodations		

U.S. Registration No.	4048344	Application Date	02/28/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.		
Goods/Services	Class 039. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information		

	services		
U.S. Registration No.	4044355	Application Date	02/28/2011
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a picture of the sun rising behind a home with the literalelements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.		
Goods/Services	Class 041. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars inthe field of vacation property rental		

U.S. Registration No.	4098206	Application Date	02/28/2011
Registration Date	02/14/2012	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	The mark consists of a picture of the sun rising behind a home with the literalelements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.		
Goods/Services	Class 042. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Computer services, namely, providing search platforms related to real estate toallow users to request content from andreceive content to a computer or mobiledevice; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials,make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and		

	business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information
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Attachments	77375044#TMSN.jpeg(bytes) 85262733#TMSN.jpeg(bytes) 85261610#TMSN.jpeg(bytes) 85261573#TMSN.jpeg(bytes) 85261602#TMSN.jpeg(bytes) 85262104#TMSN.jpeg(bytes) 85262672#TMSN.jpeg(bytes) 77064734#TMSN.jpeg(bytes) 77064489#TMSN.jpeg(bytes) 77375029#TMSN.jpeg(bytes) 85236163#TMSN.jpeg(bytes) 85236141#TMSN.jpeg(bytes) 85236138#TMSN.jpeg(bytes) 77375042#TMSN.jpeg(bytes) 85253328#TMSN.jpeg(bytes) 85252100#TMSN.jpeg(bytes) 85252085#TMSN.jpeg(bytes) 85253323#TMSN.jpeg(bytes) 85253291#TMSN.jpeg(bytes) 77375010#TMSN.jpeg(bytes) 77375035#TMSN.jpeg(bytes) 77375030#TMSN.jpeg(bytes) 78767639#TMSN.jpeg(bytes) 85253334#TMSN.jpeg(bytes) 85240796#TMSN.jpeg(bytes) 85252097#TMSN.jpeg(bytes) 85253304#TMSN.jpeg(bytes) 85253340#TMSN.jpeg(bytes) 85253297#TMSN.jpeg(bytes) HOM-135TMOPP Notice of Opposition As Filed (11-12-2013).pdf(4997257 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Scott S. Kokka/
Name	Scott S. Kokka
Date	11/12/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	HomeAway.com, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1011 W. Fifth Street, Suite 300 Austin, Texas 78703 UNITED STATES		

Attorney Information	Scott S. Kokka KOKKA & BACKUS, PC 703 High Street Palo Alto, CA 94301 UNITED STATES skokka@kokkalaw.com Phone: 650-566-9912
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Applicant Information

Application No	85/929,798	Publication Date	09/10/2013
Opposition Filing Date	11/09/2013	Opposition Period Ends	11/09/2013
Applicant	Issa Hotels and Resorts Limited Fairview Office Park, Suite C12 Alice Eldemire Drive Montego Bay, St. James JAMAICA		

Goods/Services Affected by Opposition

Class 036. First Use: 2009/04/30 First Use In Commerce: 2009/04/30 All goods and services in the class are opposed, namely: Electronic commerce payment services, namely, providing a payment plan for customers to allow payments to be made over time by establishing funded accounts used to purchase travel related services.
Class 043. First Use: 2009/04/30 First Use In Commerce: 2009/04/30 All goods and services in the class are opposed, namely: Travel agency services, namely, making reservations and bookings for temporary lodging in connection with a deferred payment program.

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3,596,177	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/09/10 First Use In Commerce: 2008/09/10 Providing temporary lodging information via the Internet		

U.S. Registration No.	4,101,348	Application Date	03/09/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers		

U.S. Registration No.	4,101,347	Application Date	03/08/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global		

	computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services
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U.S. Registration No.	4,101,346	Application Date	03/08/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations		

U.S. Registration No.	4,104,447	Application Date	03/08/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services		

U.S. Registration No.	4,104,448	Application Date	03/09/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental		

U.S. Registration No.	4,104,453	Application Date	03/09/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1998/10/14 First Use In Commerce: 2006/01/01 Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information		

U.S. Registration No.	3,552,504	Application Date	12/14/2006
Registration Date	12/30/2008	Foreign Priority Date	06/16/2006
Word Mark	HOMESAWAY		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 039. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00</p> <p>Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations</p> <p>Class 043. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00</p> <p>Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants</p>

U.S. Registration No.	3,566,394	Application Date	12/14/2006
Registration Date	01/27/2009	Foreign Priority Date	06/16/2006
Word Mark	HOMES AWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 039. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00</p> <p>Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations</p> <p>Class 043. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00</p> <p>Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants</p>		

U.S. Registration No.	3,596,174	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY FROM HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/01/14 First Use In Commerce: 2008/01/14 Providing temporary lodging information via the Internet		

U.S. Registration No.	1,152,761	Application Date	07/02/1979
Registration Date	04/28/1981	Foreign Priority Date	NONE
Word Mark	HOME AWAY FROM HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1961/12/00 First Use In Commerce: 1961/12/00 Rental of Temporary and Permanent Living Quarters to Others		

U.S. Registration No.	4,218,667	Application Date	02/07/2011
Registration Date	10/02/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY SOFTWARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2011/01/10 First Use In Commerce: 2011/03/01 Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management		

U.S. Registration No.	4,136,610	Application Date	02/07/2011
Registration	05/01/2012	Foreign Priority	NONE

Date		Date	
Word Mark	HOMEAWAY SOFTWARE FOR PROFESSIONALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/01/26 First Use In Commerce: 2011/01/26 Computer software for use in database creation and management of a vacation rental website; Computer software for application and database integration; Computer software for application and database design; Computer software for creating searchable databases of information and data; Downloadable software for use in database management on a vacation rental website; Computer software and software tools for website development		

U.S. Registration No.	4,129,635	Application Date	02/07/2011
Registration Date	04/17/2012	Foreign Priority Date	NONE
Word Mark	HOMEAWAY SOFTWARE FOR PROFESSIONALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2011/01/26 First Use In Commerce: 2011/01/26 Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management		

U.S. Registration No.	3,596,176	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY TRAVELER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/02/28 First Use In Commerce: 2008/02/28 Providing on-line newsletters featuring lodging and travel information and reviews of lodging and travel providers		

U.S. Registration No.	4,048,345	Application Date	02/28/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers		

U.S. Registration No.	4,093,259	Application Date	02/25/2011
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services		


U.S. Registration No.	4,048,331	Application Date	02/25/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be		


	considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations
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U.S. Registration No.	4,019,582	Application Date	02/28/2011
Registration Date	08/30/2011	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Coordinating travel arrangements for individuals and for groups; Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services		


U.S. Registration No.	4,093,260	Application Date	02/28/2011
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2010/12/15 First Use In Commerce: 2011/01/26 Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an		


	application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information		
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U.S. Registration No.	3,596,173	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a birdhouse followed by the words "HomeAway".		
Goods/Services	Class 043. First use: First Use: 2008/09/10 First Use In Commerce: 2008/09/10 Providing temporary lodging information via the Internet		


U.S. Registration No.	3,488,230	Application Date	01/18/2008
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	HOMEAWAY CONNECT		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the words "HomeAway Connect" with a small bird imposed on the letter "o" in the word "Connect".		
Goods/Services	Class 043. First use: First Use: 2007/01/22 First Use In Commerce: 2007/01/22 Providing temporary lodging information via the Internet		


U.S. Registration No.	3,596,175	Application Date	01/18/2008
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	HOMEAWAY FROM HOME		

Design Mark	
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a birdhouse followed by the words "HomeAway from home".
Goods/Services	Class 043. First use: First Use: 2008/01/04 First Use In Commerce: 2008/01/04 Providing temporary lodging information via the Internet


U.S. Registration No.	3,385,395	Application Date	12/06/2005
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	HOMEAWAY LIVE THE DESTINATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2006/01/31 First Use In Commerce: 2006/01/31 Providing temporary lodging information via the Internet		


U.S. Registration No.	4,044,354	Application Date	02/28/2011
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home		
Goods/Services	Class 043. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers		

U.S. Registration No.	4,041,089	Application Date	02/11/2011
Registration Date	10/18/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home		
Goods/Services	Class 036. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Vacation real estate listing services and providing such services via a global computer network; providing an on-line database of rental properties, namely, real estate listing services		


U.S. Registration No.	4,048,332	Application Date	02/25/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home		
Goods/Services	Class 035. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations		

U.S. Registration No.	4,048,344	Application Date	02/28/2011
Registration	11/01/2011	Foreign Priority	NONE

Date		Date	
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home		
Goods/Services	Class 039. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services		

U.S. Registration No.	4,044,355	Application Date	02/28/2011
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		
Design Mark			
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home		
Goods/Services	Class 041. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental		


U.S. Registration No.	4,098,206	Application Date	02/28/2011
Registration Date	02/14/2012	Foreign Priority Date	NONE
Word Mark	VRBO FROM HOMEAWAY		

Design Mark	
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home
Goods/Services	Class 042. First use: First Use: 2007/12/15 First Use In Commerce: 2008/01/19 Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information
Attachments	HOM-135TMOPP Exhibit A

Certificate of Service

I hereby certify that a true and complete copy of the foregoing *Notice of Opposition* has been served on Kathy Silberthau Strom of Cahill Gordon & Reindel LLP by mailing said copy on November 12, 2013, via First Class Mail, postage prepaid to:

Kathy Silberthau Strom
CAHILL GORDON & REINDEL LLP
1990 K ST NW STE 950
Washington, DC 20006-1181

Signature	
Name	Maureen M. Dillon
Date	11/12/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOMEAWAY, INC., Opposer v. ISSA HOTELS AND RESORTS LIMITED, Applicant.	Opposition No. _____ Application Serial No. 85/929,798 Mark: LOVEAWAY Published In <i>Official Gazette</i> on September 10, 2013
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NOTICE OF OPPOSITION

HomeAway.com®, Inc. ("Opposer"), a Delaware corporation having its principal place of business at 1011 W. Fifth Street, Suite 300, Austin, Texas, 78704, believes that it will be damaged by Issa Hotels and Resorts Limited's ("Applicant") registration of the mark LOVEAWAY, shown in Application No. 85/929,728 in International Class 036 and International Class 043 in connection with the services identified therein, and hereby opposes its registration. As grounds for opposition, Opposer alleges that, upon actual knowledge with respect to Opposer's own acts, and upon information and belief as to other matters:

HomeAway and Its Business

1. Opposer is incorporated under the laws of Delaware and has a business address at 1011 W. Fifth Street, Suite 300, Austin, Texas, 78704
2. Opposer is in the business of providing vacation rental and travel information via the internet under its HomeAway® trade name and trademarks (collectively "HomeAway® Name and Marks") by allowing homeowners and property managers to offer an extensive selection of vacation homes by advertising their properties and managing bookings online.

3. Opposer operates the world's leading online marketplace for the vacation rental industry, with sites representing over 775,000 paid listings of vacation rental homes in 171 countries.

4. Opposer's website (www.homeaway.com®) connects homeowners and property managers with travelers who seek the space, value and amenities of vacation rental homes as an alternative to hotels. HomeAway® allows travelers to conveniently locate, compare, and select from a broad range of vacation rentals globally. HomeAway® offers travelers a reliable and consistent experience and a trusted brand that supports the direct relationships it has with property owners and managers. In addition, HomeAway® offers easy-to-use search tools and filters for easy comparisons across properties and across regions, rich content including detailed property descriptions, photographs, maps, detailed traveler reviews and availability calendars. HomeAway® is a one-stop website that makes it easy to find and compare properties all over the world. The site is free-to-use for travelers.

5. Opposer's portfolio includes the leading vacation rental websites HomeAway.com®, VRBO.com and VacationRentals.com in the United States; HomeAway.co.uk and OwnersDirect.co.uk in the United Kingdom; HomeAway.de in Germany; Abritel.fr and Homelidays.com in France; HomeAway.es and Toprural.es in Spain; AlugueTemporada.com.br in Brazil; and HomeAway.com.au in Australia. Asia Pacific short-term rental site, travelmob.com, is also owned by Opposer. Opposer also operates BedandBreakfast.com®, the most comprehensive global site for finding bed-and-breakfast properties.

6. By virtue of Opposer's use in commerce of its HomeAway® Name and Marks in connection with its services, such services have become well and favorably known to the relevant trade and public under such marks.

HomeAway Name and Marks

7. Since at least 1961, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with rental of temporary and permanent living quarters to others.

8. Since at least 1993, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations.

9. Since at least 1993, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants.

10. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with providing real estate listing services for the rental or purchase of real estate; providing real estate listing services for the rental or purchase of vacation real estate; providing real estate listing services via a global computer network; providing information on the rental of vacation homes via the Internet; providing a database of information about residential real estate listings in different neighborhoods and communities; providing information in the field of real

estate via the Internet; providing real estate listings and real estate information via the Internet; providing real estate listings via the Internet; real estate listing services for housing rentals and apartment rentals; residential real estate agency services.

11. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with agency services for the reservation of temporary accommodation; providing a website for making reservations and booking of eco-lodging; providing travel lodging information services and travel lodging booking agency services for travelers.

12. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with providing temporary lodging information via the Internet.

13. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk-throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; on-line advertising and marketing services related to the rental or sale of real property; real estate marketing services in the field of temporary accommodations.

14. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with providing a website for the arrangement and booking of eco-travel and eco-tours; providing a web site and web site links to geographic information, map images, and trip routing; providing a web site featuring travel information and commentary; providing an on-line computer database in the field of travel information services; providing an on-line searchable

computer database featuring information on travel; providing information, news and commentary in the field of travel; providing links to web sites of others featuring travel; Providing reviews of travel service providers; travel guide and travel information services.

15. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental.

16. Since at least 2006, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; design and development of visualization technologies for advertisement of real-estate and business of others; application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; computer services in the nature of customized web pages featuring user-defined information and personal profiles; computer services, namely, providing search engines for obtaining data on a global computer network; providing a website that gives users the ability to create customized web pages featuring user-defined information.

17. Since at least 2008, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with

vacation real estate listing services and providing such services via a global computer network; providing an on-line database of rental properties, namely, real estate listing services.

18. Since at least 2011, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with computer software for use in database creation and management of a vacation rental website; computer software for application and database integration; computer software for application and database design; computer software for creating searchable databases of information and data; downloadable software for use in database management on a vacation rental website; computer software and software tools for website development.

19. Since at least 2011, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with coordinating travel arrangements for individuals and for groups; providing a website for the arrangement and booking of eco-travel and eco-tours; providing a web site and web site links to geographic information, map images, and trip routing; providing a web site featuring travel information and commentary; providing an on-line computer database in the field of travel information services; providing an on-line searchable computer database featuring information on travel; providing information, news and commentary in the field of travel; providing links to web sites of others featuring travel; providing reviews of travel service providers; travel guide and travel information services.

20. Since at least 2011, Opposer and/or its predecessor-in-interest has continuously used its HomeAway® Name and Marks in commerce in connection with application service provider (ASP) featuring software for use in content management; computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; computer software development in the field of vacation rental property ownership and management; providing a web site featuring

temporary use of non-downloadable software for use in database management; software as a service (SAAS) services featuring software design, development and implementation; application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management.

21. Opposer is the owner of, among others, the following valid and subsisting federal registrations and the marks that are the subject thereof (printouts from the PTO TESS database are attached as Exhibit A):

MARK	REGISTRATION NO.	REGISTRATION DATE	GOODS/ SERVICES
HOMEAWAY	3,596,177	03/24/2009	Providing temporary lodging information via the Internet
HOMEAWAY.COM	4,101,348	02/21/2012	Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers
HOMEAWAY.COM	4,101,347	02/21/2012	Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different

			neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services
HOMEAWAY.COM	4,101,346	02/21/2012	Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary

HOMEAWAY.COM	4,104,447	02/28/2012	<p>accommodations</p> <p>Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services</p>
HOMEAWAY.COM	4,104,448	02/28/2012	<p>Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental</p>
HOMEAWAY.COM	4,104,453	02/28/2012	<p>Computer services, namely, providing search platforms related to real estate to allow users to request content from</p>

			<p>and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for</p>
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			obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information
HOMESAWAY	3,552,504	12/30/2008	<p>Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations</p> <p>Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the</p>

			field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants
HOMES AWAY	3,566,394	01/27/2009	<p>Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations</p> <p>Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the</p>

			field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants
HOMEAWAY FROM HOME	3,596,174	03/24/2009	Providing temporary lodging information via the Internet
HOME AWAY FROM HOME	1,152,761	04/28/1981	Rental of Temporary and Permanent Living Quarters to Others
HOMEAWAY SOFTWARE	4,218,667	10/02/2012	Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application







			programming interface (API) software for allowing data retrieval, upload, access and management
HOMEAWAY SOFTWARE FOR PROFESSIONALS	4,136,610	05/01/2012	Computer software for use in database creation and management of a vacation rental website; Computer software for application and database integration; Computer software for application and database design; Computer software for creating searchable databases of information and data; Downloadable software for use in database management on a vacation rental website; Computer software and software tools for website development
HOMEAWAY SOFTWARE FOR PROFESSIONALS	4,129,635	04/17/2012	Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership


			and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management
HOMEAWAY TRAVELER	3,596,176	03/24/2009	Providing on-line newsletters featuring lodging and travel information and reviews of lodging and travel providers
WHY HOTEL WHEN YOU CAN HOMEAWAY	4,048,345	11/01/2011	Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers
WHY HOTEL WHEN YOU CAN HOMEAWAY	4,093,259	01/31/2012	Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global computer



			<p>network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services</p>
WHY HOTEL WHEN YOU CAN HOMEAWAY	4,048,331	11/01/2011	<p>Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries</p>

			for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations
WHY HOTEL WHEN YOU CAN HOMEAWAY	4,019,582	08/30/2011	Coordinating travel arrangements for individuals and for groups; Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services
WHY HOTEL WHEN YOU CAN HOMEAWAY	4,093,260	01/31/2012	Computer services, namely, providing search platforms related to real estate to allow users to request content from

			<p>and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for</p>
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			obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information
 HomeAway	3,596,173	03/24/2009	Providing temporary lodging information via the Internet
HomeAwayCONNECT	3,488,230	08/19/2008	Providing temporary lodging information via the Internet
 HomeAway from home	3,596,175	03/24/2009	Providing temporary lodging information via the Internet
 HomeAway LIVE THE DESTINATION	3,385,395	02/19/2008	Providing temporary lodging information via the Internet
 VRBO from HomeAway	4,044,354	10/25/2011	Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers
 VRBO from HomeAway	4,041,089	10/18/2011	Vacation real estate listing services and providing such services via a global computer network; providing an on-line database of rental properties, namely, real estate listing services
 VRBO from HomeAway	4,048,332	11/01/2011	Providing an interactive website which promotes real estate properties through offering

			prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations
	4,048,344	11/01/2011	Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information,

			<p>news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services</p>
	4,044,355	10/25/2011	<p>Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental</p>
	4,098,206	02/14/2012	<p>Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application</p>

			<p>service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information</p>
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22. Opposer's Registration Nos. 3,596,177; 4,101,348; 4,101,347; 4,101,346; 4,104,447; 4,104,448; 4,104,453; 3,552,504; 3,566,394; 3,596,174; 1,152,761; 4,218,667; 4,136,610; 4,129,635; 3,596,176; 4,048,345; 4,093,259; 4,048,331; 4,019,582; 4,093,260; 3,596,173; 3,488,230; 3,596,175; 3,385,395; 4,044,354; 4,041,089; 4,048,332; 4,048,344; 4,044,355; and 4,098,206 (collectively "HomeAway® Marks") are valid and subsisting and

constitute *prima facie* evidence of the validity of the mark and registration, and of Opposer's ownership and exclusive right to use the marks in commerce.

23. The HomeAway® Marks are inherently distinctive as used in connection with Opposer's services.

24. Opposer has received extensive unsolicited attention from local, national, and international media, including but not limited to nationally circulated publications and broadcast media such as *The New York Times*®, *Forbes*®, *Bloomberg Businessweek*®, *CNN*®, *ABC News*®, *CNBC*®, *Examiner.com*®, *Yahoo! Travel*, *Business Insider*®, *tnooz*®, *Investor's Business Daily*®, *NJ.com*®, *USA Today*®, *Skift*®, *About.com*®, *The Huffington Post*®, *NBC 40*, *The Wall Street Journal*®, *MarketWatch*®, *The Columbus Dispatch*, *Austin American-Statesman*®, *Nashville Ledger*, *San Antonio Express-News*, *U.S. News & World Report*®, *Fox Business*®, *Staten Island Advance*®, *The Tampa Tribune*®, *Fodor's*®, *TechCrunch*®, *Kiplinger*®, *KVUE*®, *Silicon Hills News*, *Yahoo! Voices*, *Yahoo! Finance*, *Smarter Travel*®, *Fox News*®, *U-T San Diego*, *Money Magazine*, *MyFoxPhoenix*, *Web in Travel*, *Newsroom Jersey*, *Associated Press*®, *Financial Times*®, *Family Circle*®, *Entrepreneur*®, *Chicago Tribune*®, *Austin Business Journal*®, among numerous others.

25. Opposer advertised its services through commercials featured during Super Bowl® XLIV in 2010 and Super Bowl® XLV in 2011. In 2012, Opposer aired a commercial during the 69th Golden Globe® Awards, which was also aired on the Travel Channel®, the Food Network®, HGTV®, and during the 54th Annual Grammy Awards®, the 84th Annual Academy Awards®, and the CBS® "Survivor" finale.

26. The HomeAway® Name and Marks are renowned in the United States and throughout the world, drawing the attention of nearly 20,000 followers on Twitter® and receiving over 435,000 "likes" on Facebook®.

27. As a result of extensive use, advertising, and promotion, Opposer's HomeAway® Name and Marks have achieved such widespread public recognition that they have become well known and famous among the general public. By virtue of Opposer's

obvious efforts and expenditure of significant financial amounts for promotional, advertising, and marketing-related activities and by virtue of the prominence and excellence of their services, Opposer has built a valuable reputation in the HomeAway® Name and Marks.

Applicant and Its LOVEAWAY Application

28. Issa Hotels and Resorts Limited ("Applicant") is, based upon information and belief, a corporation organized under the laws of Jamaica, having an address at Fairview Office Park, Suite C12 Alice Eldemire Drive, Montego Bay, St. James, Jamaica.

29. Applicant is the listed owner of Application Serial No. 85/929,798, filed under Section 1(a), 15 U.S.C. § 1051, for the mark "LOVEAWAY" ("LoveAway Mark") for "electronic commerce payment services, namely, providing a payment plan for customers to allow payments to be made over time by establishing funded accounts used to purchase travel related services" in International Class 036 and "travel agency services, namely, making reservations and bookings for temporary lodging in connection with a deferred payment program" in International Class 043 ("LoveAway Application").

30. Applicant alleges first use of the LoveAway Mark in commerce on April 30, 2009.

31. Applicant's mark was published for opposition on September 10, 2013 in the *Official Gazette*.

32. On October 10, 2013, Opposer, through counsel, filed a timely Request for Extension of Time to Oppose the LoveAway Application, which was granted by the Trademark Trial and Appeal Board ("TTAB"). Opposer, thereafter, filed this timely Notice of Opposition.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

33. Opposer repeats and realleges each and every allegation set forth above.

34. On information and belief, Applicant did not use the LoveAway Mark in commerce prior to April 30, 2009.

35. Opposer's rights in its HomeAway® Marks precede any rights Applicant may have in its applied-for mark. Opposer has priority based on its prior valid and subsisting registrations and prior filed applications for its HomeAway® Marks. Opposer also has priority based on its prior and continuous use of its HomeAway® Marks before the filing date of the opposed application and any date of first use date that may be alleged by Applicant. Opposer's HomeAway® Marks are internationally famous and were famous prior to the filing and priority dates of Applicant's LoveAway Application.

36. Opposer's HomeAway® Marks have acquired their fame by reason of Opposer's significant use and promotion of those marks to the general public and relevant consumers, thereby making HomeAway® one of the most recognized marks in the travel industry. By reasons of such broad and extensive usage and promotion, Opposer has developed goodwill in the HomeAway® Name and Marks and those marks have become strongly and exclusively associated in the mind of the general public and relevant consumers with Opposer and with Opposer's travel-related services. Moreover, due to Opposer's extensive, continuous and substantially exclusive use of the HomeAway® Name and Marks in connection with providing temporary lodging information via the Internet, the HomeAway® Name and Marks are, and were prior to the filing and priority dates of Applicant's LoveAway Application, strongly and exclusively associated in the minds of the general public and relevant consumers with both Opposer and its services.

37. Applicant's LoveAway Mark is virtually identical to HomeAway® Mark in its appearance, commercial impression, and connotation.

38. Applicant intends to use its mark for similar services regarding travel and providing temporary lodging information to travelers in direct competition with Opposer.

39. Applicant also intends to market its travel-related services under its LoveAway Mark in the same industry, to the same class of consumers, and through the same or overlapping channels of trade as used by Opposer for its vacation rental services provided under its HomeAway® Marks.

40. On information and belief, the public and relevant consumers will likely to erroneously conclude that Opposer sponsored, licensed, otherwise authorized, and/or is otherwise affiliated with Applicant.

41. Consumers familiar with Opposer will be likely to book temporary lodging with Applicant, erroneously believing the services are affiliated, connected or associated with, or sponsored, approved or provided by Opposer, which they are not. The public and relevant consumers are likely to erroneously believe that Opposer approved the travel-related services bearing the LoveAway Mark. Any problem found with Applicant's travel-related services is likely to be attributed to, and reflect poorly upon, Opposer, thereby damaging the reputation and goodwill Opposer has established in the HomeAway® Name and Marks.

42. If Applicant is permitted to use and register the LoveAway Mark, confusion resulting in irreparable damage and injury to Opposer would be caused and would result directly by reasons of the confusion created by the similarity of Applicant's LoveAway Mark to Opposer's HomeAway® Marks.

43. Registration of Applicant's applied-for mark will likely cause confusion among the relevant consuming public, and will likely cause the relevant consuming public to mistakenly conclude that Applicant's services are associated with Opposer, causing injury or damage to Opposer.

44. Registration of Applicant's applied-for mark is likely to cause injury to Opposer's business reputation, and to injure and impair Opposer's rights in its HomeAway® Mark by causing confusion, mistake, and/or deception as to the respective rights of the parties and as to the source or sponsorship of such services in violation of Section 2(d), 15 U.S.C. § 1052(d).

45. Registration of Applicant's LoveAway Mark is inconsistent with the rights of Opposer.

False Suggestion of Connection, 15 U.S.C. § 1052(a)

46. Opposer repeats and realleges each and every allegation set forth above.

47. Applicant's LoveAway Mark is the same as or a close approximation of Opposer's HomeAway® Marks and will be recognized as such by the public because such names and identity point uniquely and unmistakably to HomeAway®.

48. Opposer is not connected with Applicant or the goods intended to be offered or sold by Applicant under the LoveAway Mark.

49. Opposer's HomeAway® Marks are so well-known and have such a strong reputation that if Applicant's LoveAway Mark is registered in connection with the identified services, a false connection with Opposer will be presumed.

50. Applicant's LoveAway Mark consists of matter which falsely suggests a connection with Opposer in violation of Section 2(a) of the Lanham Act, as amended, 15 U.S.C. § 1052(a).

Dilution, 15 U.S.C. § 1125(c)(1)

51. Opposer repeats and realleges each and every allegation set forth above.

52. Opposer's previously used and registered HomeAway® Marks became famous long before the filing date of Application Serial No. 85/929,798, and any date of first use that may be alleged by Applicant.

53. Applicant's LoveAway Mark so closely resembles Opposer's previously used and registered HomeAway Mark, as to be likely to cause dilution of the distinctive quality of the famous name and mark in violation of Section 43(c), 15 U.S.C. § 1125(c).

WHEREFORE, Opposer is being and will be damaged by the registration of Application Serial No. 85/929,798 , and respectfully requests that this opposition be sustained in favor of Opposer, and that the mark shown in Application Serial No. 85/929,798 be refused registration.

Dated: November 12, 2013

Respectfully submitted,

HomeAway, Inc.

By: 
Scott S. Kokka

KOKKA & BACKUS, PC
703 High Street
Palo Alto, CA 94301-2447
Dir: (650) 566-9921
Fax (650) 566-9922

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing *Notice of Opposition* has been served on Kathy Silberthau Strom of Cahill Gordon & Reindel LLP by mailing said copy on November 12, 2013, via First Class Mail, postage prepaid to:

Kathy Silberthau Strom
CAHILL GORDON & REINDEL LLP
1990 K ST NW STE 950
Washington, DC 20006-1181

By:


Maureen M. Dillon

KOKKA & BACKUS, PC
703 High Street
Palo Alto, CA 94301-2447
Dir: (650) 566-9912
Fax (650) 566-9922

Exhibit A



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Nov 5 03:20:29 EST 2013

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE Dict SEARCH OG BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC
PREV DOC NEXT DOC LAST DOC

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 8 out of 15**

(Use the "Back" button of the Internet Browser to return to TESS)

HomeAway

Word Mark HOMEAWAY

Goods and Services IC 043. US 100 101. G & S: Providing temporary lodging information via the Internet. FIRST USE: 20080910. FIRST USE IN COMMERCE: 20080910

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77375044

Filing Date January 18, 2008

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 3, 2008

Registration Number 3596177

Registration Date March 24, 2009

Owner (REGISTRANT) **HomeAway**, Inc. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703

(LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Scott S. Kokka

Prior Registrations 1152761;2277123;3385395

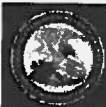
Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
PREV DOC	NEXT DOC	LAST DOC									

[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:10:53 EST 2013

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR

ASSIGN Status

TTAB Status

(Use the "Back" button of the Internet Browser to return to TESS)

HOMEAWAY.COM

Word Mark	HOMEAWAY.COM
Goods and Services	IC 043. US 100 101. G & S: Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers. FIRST USE: 19981014. FIRST USE IN COMMERCE: 20060101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85262733
Filing Date	March 9, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 6, 2011
Registration Number	4101348
Registration Date	February 21, 2012
Owner	(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth St. Austin TEXAS 78703
Attorney of Record	Nicole H. Chlu
Prior Registrations	3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

TESS HOME

NEW USER

STRUCTURED

FREE FORM

BROWSE DICT

SEARCH OG

TOP

HELP

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:10:53 EST 2013

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICTIONARY SEARCH OG BOTTOM HELP

[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

HomeAway.com

Word Mark	HOMEAWAY.COM
Goods and Services	IC 036. US 100 101 102. G & S: Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services. FIRST USE: 19981014. FIRST USE IN COMMERCE: 20060101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85261610
Filing Date	March 8, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 6, 2011
Registration Number	4101347
Registration Date	February 21, 2012
Owner	(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

**Attorney of
Record**

Nicole H. Chiu

**Prior
Registrations**

3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

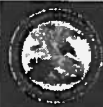
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[TOP](#)

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[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:10:53 EST 2013

TESS HOME NEW USER STRUCTURED FREE FORM Browse Dict SEARCH OG BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR

ASSIGN Status

TTAB Status

(Use the "Back" button of the Internet Browser to return to TESS)

HOMEAWAY.COM

Word Mark

HOMEAWAY.COM

Goods and Services

IC 035. US 100 101 102. G & S: Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations. FIRST USE: 19981014. FIRST USE IN COMMERCE: 20060101

Standard Characters Claimed

Mark

Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

85261573

Filing Date

March 8, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

December 6, 2011

Registration Number

4101346

Registration Date

February 21, 2012

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

**Attorney of
Record**

Nicole H. Chiu

**Prior
Registrations**

3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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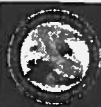
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HomeAway.com

Word Mark HOMEAWAY.COM

Goods and Services IC 039. US 100 105. G & S: Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services. FIRST USE: 19981014. FIRST USE IN COMMERCE: 20060101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85261602

Filing Date March 8, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition December 13, 2011

Registration Number 4104447

Registration Date February 28, 2012

Owner (REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

Attorney of

Record Nicole H. Chiu
Prior Registrations 3385395;3596173;3596175;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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(Use the "Back" button of the Internet Browser to return to TESS)

HOMEAWAY.COM

Word Mark	HOMEAWAY.COM
Goods and Services	IC 041. US 100 101 107. G & S: Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental. FIRST USE: 19981014. FIRST USE IN COMMERCE: 20060101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85262104
Filing Date	March 9, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 13, 2011
Registration Number	4104448
Registration Date	February 28, 2012
Owner	(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth St. Austin TEXAS 78703
Attorney of Record	Nicole H. Chiu
Prior Registrations	3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Record 1 out of 1

TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

HOMEAWAY.COM

Word Mark

HOMEAWAY.COM

Goods and Services

IC 042. US 100 101. G & S: Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information. FIRST USE: 19981014. FIRST USE IN COMMERCE: 20060101

Standard Characters Claimed

Mark

Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

85262672

Filing Date

March 9, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

December 13, 2011

Registration Number

4104453

**Registration
Date**

February 28, 2012

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth St. Austin TEXAS 78703

**Attorney of
Record**

Nicole H. Chiu

**Prior
Registrations**

3385395;3596173;3596175;AND OTHERS

Type of Mark

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

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 Please logout when you are done to release system resources allocated for you.

 List At: OR to record: **Record 14 out of 15**

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HOMESAWAY

Word Mark HOMESAWAY

Goods and Services IC 039. US 100 105. G & S: Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations. FIRST USE: 19930000. FIRST USE IN COMMERCE: 19930000

IC 043. US 100 101. G & S: Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants. FIRST USE: 19930000. FIRST USE IN COMMERCE: 19930000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77064734

Filing Date December 14, 2006

Current Basis 1A;44E

Original Filing Basis 1A;44D

Published for October 14, 2008

Opposition

**Registration
Number** 3552504

**Registration
Date** December 30, 2008

Owner (REGISTRANT) **HOMEAWAY**, INC. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703

(LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Scott S. Kokka

**Priority
Date** June 16, 2006

**Type of
Mark** SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
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Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 15 out of 15**

(Use the "Back" button of the Internet Browser to return to TESS)

HOMES AWAY

Word Mark HOMES AWAY

Goods and Services IC 039. US 100 105. G & S: Arranging travel tours; travel agency services, namely, arranging specialty vacations, and making reservations and bookings for transportation; arranging travel tours, namely, vacations and travel tours to the specification of others; consultation in the field of travel destinations; consultation services in the field of excursions; organization of travel via a global computer network; providing information about specialty vacations, travel tours and travel destinations via a global computer network; providing a website featuring information in the fields of travel services, travel destinations, and the organization of customized specialty vacations. FIRST USE: 19930000. FIRST USE IN COMMERCE: 19930000

IC 043. US 100 101. G & S: Travel agency services, namely, arranging specialty vacations, namely, making reservations and booking for temporary lodging; consultation in the field of dining and temporary accommodations; travel agency services, namely, making reservations and bookings for temporary lodging and restaurants. FIRST USE: 19930000. FIRST USE IN COMMERCE: 19930000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77064489

Filing Date December 14, 2006

Current Basis 1A;44E

Original Filing Basis 1A;44D

Published for November 11, 2008

Opposition

**Registration
Number** 3566394

**Registration
Date** January 27, 2009

Owner (REGISTRANT) **HOMEAWAY**, INC. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703

(LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Scott S. Kokka

**Priority
Date** June 16, 2006

**Type of
Mark** SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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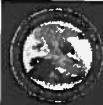
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HomeAway From Home

Word Mark HOMEAWAY FROM HOME
Goods and Services IC 043. US 100 101. G & S: Providing temporary lodging information via the Internet. FIRST USE: 20080114. FIRST USE IN COMMERCE: 20080114
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77375029
Filing Date January 18, 2008
Current Basis 1A
Original Filing Basis 1B
Published for Opposition June 3, 2008
Registration Number 3596174
Registration Date March 24, 2009
Owner (REGISTRANT) **HomeAway**, Inc. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703
 (LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Scott S. Kokka
Prior Registrations 1152761;2277123;3385395
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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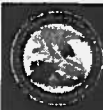
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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	HOME AWAY FROM HOME
Goods and Services	IC 042. US 100. G & S: Rental of Temporary and Permanent Living Quarters to Others. FIRST USE: 19611200. FIRST USE IN COMMERCE: 19611200
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73222033
Filing Date	July 2, 1979
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 3, 1981
Registration Number	1152761
Registration Date	April 28, 1981
Owner	(REGISTRANT) Lexington Management Corporation CORPORATION TEXAS 1000 Irving Bank Tower Irving TEXAS 75060 (LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Nicole H. Chiu
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110526.
Renewal	2ND RENEWAL 20110526
Live/Dead Indicator	LIVE

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HOMEAWAY SOFTWARE**Word Mark**

HOMEAWAY SOFTWARE

Goods and Services

IC 042. US 100 101. G & S: Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management. FIRST USE: 20110110. FIRST USE IN COMMERCE: 20110301

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number**85236163****Filing Date**

February 7, 2011

Current Basis

1A

Original Filing Basis

1B

Published for Opposition

June 21, 2011

Registration Number

4218667

Registration Date

October 2, 2012

Owner

(REGISTRANT) HOMEAWAY.COM, INC. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street AUSTIN TEXAS 78703

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Scott S. Kokka

**Prior
Registrations** 3385395;3596173;3596175;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFTWARE" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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HOMEAWAY SOFTWARE FOR PROFESSIONALS

Word Mark	HOMEAWAY SOFTWARE FOR PROFESSIONALS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for use in database creation and management of a vacation rental website; Computer software for application and database integration; Computer software for application and database design; Computer software for creating searchable databases of information and data; Downloadable software for use in database management on a vacation rental website; Computer software and software tools for website development. FIRST USE: 20110126. FIRST USE IN COMMERCE: 20110126
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85236141
Filing Date	February 7, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 21, 2011
Registration Number	4136610
Registration Date	May 1, 2012
Owner	(REGISTRANT) HOMEAWAY.COM, INC. CORPORATION DELAWARE SUITE 300 1011 W. FIFTH ST. AUSTIN TEXAS 78703
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

Record Scott S. Kokka
Prior Registrations 3385395;3596173;3596175;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFTWARE FOR PROFESSIONALS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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(Use the "Back" button of the Internet Browser to return to TESS)

HOMEAWAY SOFTWARE FOR PROFESSIONALS**Word Mark**

HOMEAWAY SOFTWARE FOR PROFESSIONALS

Goods and Services

IC 042. US 100 101. G & S: Application service provider (ASP) featuring software for use in content management; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training materials in the field of vacation rental property ownership and management; Computer software development in the field of vacation rental property ownership and management; Providing a web site featuring temporary use of non-downloadable software for use in database management; Software as a service (SAAS) services featuring software design, development and implementation; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management. FIRST USE: 20110126. FIRST USE IN COMMERCE: 20110126

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

85236138

Filing Date

February 7, 2011

Current Basis

1A

Original Filing Basis

1B

Published for Opposition

June 21, 2011

Registration Number

4129635

Registration Date

April 17, 2012

Owner

(REGISTRANT) HOMEAWAY.COM, INC. CORPORATION DELAWARE SUITE 300 1011 W. FIFTH ST. AUSTIN TEXAS 78703

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Scott S. Kokka

**Prior
Registrations** 3385395;3596173;3596175;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOFTWARE FOR PROFESSIONALS" APART FROM
THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

TESS HOME

NEW USER

STRUCTURED

FREE FORM

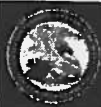
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HomeAway Traveler

Word Mark

HOMEAWAY TRAVELER

Goods and Services

IC 041. US 100 101 107. G & S: Providing on-line newsletters featuring lodging and travel information and reviews of lodging and travel providers. FIRST USE: 20080228. FIRST USE IN COMMERCE: 20080228

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

77375042

Filing Date

January 18, 2008

Current Basis

1A

Original Filing Basis

1B

Published for Opposition

June 3, 2008

Registration Number

3596176

Registration Date

March 24, 2009

Owner

(REGISTRANT) **HomeAway**, Inc. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703

(LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of

Record Scott S. Kokka
Prior Registrations 1152761;2277123;3385395
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRAVELER" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
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WHY HOTEL WHEN YOU CAN HOMEAWAY

Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY
Goods and Services	IC 043. US 100 101. G & S: Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers. FIRST USE: 20101215. FIRST USE IN COMMERCE: 20110126
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85253328
Filing Date	February 28, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 16, 2011
Registration Number	4048345
Registration Date	November 1, 2011
Owner	(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703
Attorney of Record	Nicole H. Chiu
Prior Registrations	3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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WHY HOTEL WHEN YOU CAN HOMEAWAY

Word Mark Goods and Services

WHY HOTEL WHEN YOU CAN HOMEAWAY

IC 036. US 100 101 102. G & S: Providing real estate listing services for the rental or purchase of real estate; Providing real estate listing services for the rental or purchase of vacation real estate; Providing real estate listing services via a global computer network; Providing information on the rental of vacation homes via the Internet; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate listing services for housing rentals and apartment rentals; Residential real estate agency services. FIRST USE: 20101215. FIRST USE IN COMMERCE: 20110126

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

85252100

Filing Date

February 25, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

November 15, 2011

Registration Number

4093259

Registration Date

January 31, 2012

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

**Attorney of
Record**

Scott S. Kokka

**Prior
Registrations**

3385395;3596173;3596175;AND OTHERS

Type of Mark

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

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WHY HOTEL WHEN YOU CAN HOMEAWAY

Word Mark Goods and Services

WHY HOTEL WHEN YOU CAN HOMEAWAY

IC 035. US 100 101 102. G & S: Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations. FIRST USE: 20101215. FIRST USE IN COMMERCE: 20110126

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

85252085

Filing Date

February 25, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

August 16, 2011

Registration Number

4048331

Registration Date

November 1, 2011

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

**Attorney of
Record**

Scott S. Kokka

**Prior
Registrations**

3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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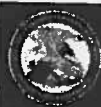
WHY HOTEL WHEN YOU CAN HOMEAWAY

Word Mark	WHY HOTEL WHEN YOU CAN HOMEAWAY
Goods and Services	IC 039. US 100 105. G & S: Coordinating travel arrangements for individuals and for groups; Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services. FIRST USE: 20101215. FIRST USE IN COMMERCE: 20110126
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85253323
Filing Date	February 28, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 14, 2011
Registration Number	4019582
Registration Date	August 30, 2011
Owner	(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703
Attorney of	

Record Nicole H. Chiu
Prior Registrations 3385395;3596173;3596175;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE/ DICT	SEARCH OG	TOP	HELP
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WHY HOTEL WHEN YOU CAN HOMEAWAY

Word Mark Goods and Services

WHY HOTEL WHEN YOU CAN HOMEAWAY

IC 042. US 100 101. G & S: Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information. FIRST USE: 20101215. FIRST USE IN COMMERCE: 20110126

Standard Characters Claimed

Mark

Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

85253291

Filing Date

February 28, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

November 15, 2011

Registration Number

4093260

**Registration
Date**

January 31, 2012

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

**Attorney of
Record**

Nicole H. Chiu

**Prior
Registrations**

3385395;3596173;3596175;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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List At: OR to record: **Record 13 out of 15**

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Word Mark	HOMEAWAY
Goods and Services	IC 043. US 100 101. G & S: Providing temporary lodging information via the Internet. FIRST USE: 20080910. FIRST USE IN COMMERCE: 20080910
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.17.06 - Bird cages; Bird feeders; Bird houses; Cages/pens, bird; Feeders (bird)
Trademark Search Facility Classification Code	ART-03.17 Parts of Birds; Eggs and Nests; Bird Cages
Serial Number	77375010
Filing Date	January 18, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 3, 2008
Registration Number	3596173
Registration Date	March 24, 2009
Owner	(REGISTRANT) HomeAway , Inc. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703 (LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

Scott S. Kokka

**Prior
Registrations**

1152761;2277123;3385395

**Description of
Mark**

Color is not claimed as a feature of the mark. The mark consists of a birdhouse followed by the words "HomeAway".

Type of Mark

SERVICE MARK

Register

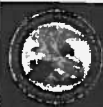
PRINCIPAL

**Live/Dead
Indicator**

LIVE

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Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 10 out of 15**

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HomeAwayCONNECT

Word Mark	HOMEAWAY CONNECT
Goods and Services	IC 043. US 100 101. G & S: Providing temporary lodging information via the Internet. FIRST USE: 20070122. FIRST USE IN COMMERCE: 20070122
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.15.24 - Stylized birds and bats 03.15.25 - Cardinals; Crows; Doves; Other birds; Pigeons; Ravens; Robins; Woodpeckers
Trademark Search Facility Classification Code	ANI-BIRDS Accurate depiction of Birds
Serial Number	77375035
Filing Date	January 18, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 3, 2008
Registration Number	3488230
Registration Date	August 19, 2008
Owner	(REGISTRANT) HomeAway , Inc. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703 (LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Scott S. Kokka

Prior Registrations 1152761;2277123;3385395

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the words "HomeAway Connect" with a small bird imposed on the letter "o" in the word "Connect".

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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List At: OR to record: **Record 11 out of 15**

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HomeAway
from home

Word Mark	HOMEAWAY FROM HOME
Goods and Services	IC 043. US 100 101. G & S: Providing temporary lodging information via the Internet. FIRST USE: 20080104. FIRST USE IN COMMERCE: 20080104
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.17.06 - Bird cages; Bird feeders; Bird houses; Cages/pens, bird; Feeders (bird)
Trademark Search Facility Classification Code	ART-03.17 Parts of Birds; Eggs and Nests; Bird Cages BLDG-AND-SCEN A type of building or a type of scenery
Serial Number	77375030
Filing Date	January 18, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 3, 2008
Registration Number	3596175
Registration Date	March 24, 2009
Owner	(REGISTRANT) HomeAway , Inc. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703 (LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Scott S. Kokka
Prior Registrations 1152761;2277123;3385395
Description of Mark Color is not claimed as a feature of the mark. The mark consists of a birdhouse followed by the words "HomeAway from home".
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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**HomeAway**
LIVE THE DESTINATION

Word Mark	HOMEAWAY LIVE THE DESTINATION
Goods and Services	IC 043. US 100 101. G & S: Providing temporary lodging information via the Internet. FIRST USE: 20060131. FIRST USE IN COMMERCE: 20060131
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	07.01.04 - Detached house
Trademark Search Facility Classification Code	BLDG-AND-SCEN A type of building or a type of scenery SHAPES-MISC Miscellaneous shaped designs SHAPES-SEALS Round or slightly rounded shape with an emblem embossed on the inside of the circle
Serial Number	78767639
Filing Date	December 6, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 29, 2006
Registration Number	3385395
International Registration Number	0885248
Registration Date	February 19, 2008
Owner	(REGISTRANT) HOMEAWAY , INC. CORPORATION DELAWARE 1011 W. Fifth Street Suite 300 Austin TEXAS 78703 (LAST LISTED OWNER) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH STREET SUITE 300 AUSTIN TEXAS 78703
Assignment	ASSIGNMENT RECORDED

Recorded

**Attorney of
Record**

Scott S. Kokka

Type of Mark

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE LIST	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
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Word Mark

VRBO FROM HOMEAWAY

Goods and Services

IC 043. US 100 101. G & S: Agency services for the reservation of temporary accommodation; Providing a website for making reservations and booking of eco-lodging; Providing travel lodging information services and travel lodging booking agency services for travelers. FIRST USE: 20071215. FIRST USE IN COMMERCE: 20080119

Mark

Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design

01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise

Search Code

07.01.06 - Other houses

Serial Number

85253334

Filing Date

February 28, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

August 9, 2011

Registration Number

4044354

Registration Date

October 25, 2011

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

Attorney of Record

Nicole H. Chiu

Prior Registrations

2820989;3596173;3596175;AND OTHERS

Description

Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with

of Mark the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	VRBO FROM HOMEAWAY
Goods and Services	IC 036. US 100 101 102. G & S: Vacation real estate listing services and providing such services via a global computer network; providing an on-line database of rental properties, namely, real estate listing services. FIRST USE: 20071215. FIRST USE IN COMMERCE: 20080119
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise 07.01.06 - Other houses
Serial Number	85240796
Filing Date	February 11, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 2, 2011
Registration Number	4041089
Registration Date	October 18, 2011
Owner	(REGISTRANT) HOMEAWAY.COM, INC. CORPORATION DELAWARE 1011 W. FIFTH ST. SUITE 300 AUSTIN TEXAS 78703
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Nicole H. Chiu
Prior	2820989;3596173;3596175;AND OTHERS

Registrations

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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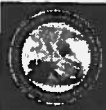
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Word Mark

VRBO FROM HOMEAWAY

Goods and Services

IC 035. US 100 101 102. G & S: Providing an interactive website which promotes real estate properties through offering prospective tenants and buyers video walk throughs, property descriptions, text, price, location, maps and other information to be considered by a prospective tenant or buyer in making a rental or purchase decision; Providing an interactive website for advertising specials, offering of coupons, rebates, discounts and special offerings promoting the services of others, and responding to customers inquiries for others in the field of real estate; On-line advertising and marketing services related to the rental or sale of real property; Real estate marketing services in the field of temporary accommodations. FIRST USE: 20071215. FIRST USE IN COMMERCE: 20080119

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
07.01.04 - Detached house
07.01.06 - Other houses

Serial Number

85252097

Filing Date

February 25, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

August 16, 2011

Registration Number

4048332

Registration Date

November 1, 2011

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

**Attorney of
Record**

Scott S. Kokka

**Prior
Registrations**

2820989;3596173;3596175;AND OTHERS

**Description
of Mark**

Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind the home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.

Type of Mark

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

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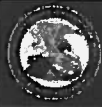
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ASSIGN Status

TTAB Status

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Word Mark

VRBO FROM HOMEAWAY

Goods and Services

IC 039. US 100 105. G & S: Providing a website for the arrangement and booking of eco-travel and eco-tours; Providing a web site and web site links to geographic information, map images, and trip routing; Providing a web site featuring travel information and commentary; Providing an on-line computer database in the field of travel information services; Providing an on-line searchable computer database featuring information on travel; Providing information, news and commentary in the field of travel; Providing links to web sites of others featuring travel; Providing reviews of travel service providers; Travel guide and travel information services. FIRST USE: 20071215. FIRST USE IN COMMERCE: 20080119

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
07.01.06 - Other houses

Serial Number

85253304

Filing Date

February 28, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

August 16, 2011

Registration Number

4048344

Registration Date

November 1, 2011

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

Attorney of Record

Nicole H. Chiu

Prior Registrations 2820989;3596173;3596175;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE: DICT](#)

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:10:53 EST 2013

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP

Logout

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR

ASSIGN Status

TTAB Status

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark

VRBO FROM HOMEAWAY

Goods and Services

IC 041. US 100 101 107. G & S: Providing online newsletters featuring lodging, travel information, featured destinations, reviews, and other information related to lodging and travel providers; conducting workshops and seminars in the field of vacation property rental. FIRST USE: 20071215. FIRST USE IN COMMERCE: 20080119

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
07.01.06 - Other houses

Serial Number

85253340

Filing Date

February 28, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

August 9, 2011

Registration Number

4044355

Registration Date

October 25, 2011

Owner

(REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

Attorney of Record

Nicole H. Chiu

Prior Registrations

2820989;3596173;3596175;AND OTHERS

Description

Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with

of Mark the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME

NEW USER

STRUCTURED

FREE FORM

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:10:53 EST 2013

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Logout

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Record 1 out of 1

TSDR

ASSIGN Status

TTAB Status

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark

VRBO FROM HOMEAWAY

Goods and Services

IC 042. US 100 101. G & S: Computer services, namely, providing search platforms related to real estate to allow users to request content from and receive content to a computer or mobile device; ASP featuring software for use by real estate and travel-based companies and individuals to advertise specials, make reservations, offer coupons, specials, discounts, and directions and for use in interactive customer services related to the rental or purchase of real estate; Design and development of visualization technologies for advertisement of real-estate and business of others; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer services in the nature of customized web pages featuring user-defined information and personal profiles; Computer services, namely, providing search engines for obtaining data on a global computer network; Providing a website that gives users the ability to create customized web pages featuring user-defined information. FIRST USE: 20071215. FIRST USE IN COMMERCE: 20080119

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
07.01.06 - Other houses

Serial Number

85253297

Filing Date

February 28, 2011

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

November 29, 2011

Registration Number

4098206

Registration

February 14, 2012

Date

Owner (REGISTRANT) HomeAway.com, Inc. CORPORATION DELAWARE Suite 300 1011 W. Fifth Street Austin TEXAS 78703

Attorney of Record Nicole H. Chiu

Prior Registrations 2820989;3596173;3596175;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a picture of the sun rising behind a home with the literal elements "VRBO FROM HOMEAWAY" to the right of sun rising behind the home.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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